

AMENDED IN SENATE AUGUST 24, 2012
AMENDED IN SENATE SEPTEMBER 2, 2011
AMENDED IN SENATE AUGUST 29, 2011
AMENDED IN ASSEMBLY MAY 27, 2011
AMENDED IN ASSEMBLY APRIL 25, 2011
CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1387

Introduced by Assembly Member Solorio

February 18, 2011

An act to amend Sections 1797.270, 1797.274, and 1797.276 of, and to repeal and add Section 1797.201 of, the Health and Safety Code, relating to emergency medical services the Budget Act of 2012 by amending Item 6120-011-6029 of Section 2.00 of that act, relating to the state budget, and making an appropriation therefor, to take effect immediately, budget bill. .

LEGISLATIVE COUNSEL'S DIGEST

AB 1387, as amended, Solorio. ~~Emergency medical services.~~ *Budget Act of 2012.*

The Budget Act of 2012 made appropriations for the support of state government for the 2012–13 fiscal year.

This bill would amend the Budget Act of 2012 by revising an item of appropriation relating to the California State Library.

This bill would declare that it is to take effect immediately as a Budget Bill.

~~(1) Existing law establishes the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act, which governs local emergency medical service systems and establishes the Emergency Medical Services Authority, which is responsible for the coordination and integration of all state activities concerning emergency medical services. The act requires a county to enter into a written agreement with a city or fire district that contracted for, or provided, as of June 1, 1980, prehospital emergency medical services regarding the provision of these services for the city or fire district, as specified. The act requires, until an agreement is reached, prehospital emergency medical services to be continued at not less than the existing level, unless reduced by the city council or the governing body of the fire district, as specified.~~

~~This bill would continue the authorization of a city or fire district that had continuously contracted for or provided prehospital emergency medical services (EMS) since June 1, 1980, to contract for or provide the administration of the same type of prehospital EMS that it has continuously provided or contracted for during that time, within the geographical service area that it continuously served during that time, if the city or fire district makes a formal written request to the local EMS agency prior to January 1, 2014, and if specified conditions are met. The bill would authorize a city or fire district to increase its geographical area if specified conditions are met. The bill would prohibit a local EMS agency from creating an exclusive operating area for a type of prehospital EMS provided or contracted for by a city or fire district that is providing continuing prehospital EMS.~~

~~(2) The EMS act authorizes the establishment of an emergency medical care committee in each county and requires the committee to annually review ambulance services operating within the county, emergency medical care offered within the county, and first aid practices in the county. The act also requires the committee to report its observations and recommendations relative to this review to the authority and the local EMS agency.~~

~~This bill would, instead, require the committee to review the county's emergency medical care system and to act in an advisory capacity to the county board or boards of supervisors. The bill would require the membership of an emergency medical care committee in each county to be representative of the EMS system participants.~~

~~(3) By increasing the duties of local officials, this bill would impose a state-mandated local program.~~

~~(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: ~~no~~ yes. Fiscal committee: yes.
State-mandated local program: ~~yes~~ no.

The people of the State of California do enact as follows:

SECTION 1. Item 6120-011-6029 of Section 2.00 of the Budget Act of 2012 is amended to read:

6120-011-6029—For support of California State Library, Program 10-State Library Services-Administration of the California Cultural and Historical Endowment, authorized by Chapter 157 of the Statutes of 2003, payable from the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Fund.....	562,000
	662,000

Provisions:

1. The expenditure of funds from this item shall not exceed the amount authorized for administration from the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 (Proposition 40).

SEC. 2. This act is a Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution and shall take effect immediately.

~~SECTION 1. The Legislature finds and declares all of the following:~~

~~(a) Emergency medical services (EMS) system coordination remains the key factor in efficiently delivering the highest level of prehospital patient care and emergency medical transport.~~

~~(b) All prehospital EMS providers in the EMS delivery system must be guided by consistent, clear standards regarding their rights;~~

responsibilities, and duties arising out of the provision of prehospital EMS to their respective communities.

(e) Local EMS agencies responsible for developing and maintaining a local emergency medical services plan must be guided by and responsive to reasonable and consistent standards for evaluating and determining the scope, manner, and types of services provided within their respective jurisdictions, particularly when making determinations regarding exclusive operating areas and the roles of cities and fire districts that have provided prehospital EMS at not less than the existing level since June 1, 1980.

(d) It is the intent of this act to preserve the rights of cities and fire districts as set forth in Section 1797.201, as that section read on December 31, 2011.

(e) Cities, fire districts, private providers, and local EMS agencies are vital partners in the delivery of prehospital EMS, partners that contribute to a rapid deployment of highly trained EMS personnel.

(f) It is in the public interest to ensure that all agencies providing prehospital EMS do so within a coordinated EMS system that provides clear standards for training, certification, and licensure of personnel, as well as for administration, medical control, and clinical oversight.

SEC. 2. Section 1797.201 of the Health and Safety Code is repealed.

SEC. 3. Section 1797.201 is added to the Health and Safety Code, to read:

1797.201. (a) A city or fire district that has continuously provided, or contracted for, prehospital emergency medical services (EMS) since June 1, 1980, shall have continuing authorization to provide or contract for the administration of, with control as this term is defined in regulation, the same type of prehospital EMS that it has continuously provided, or contracted for, during that time, within the geographical service area that it has continuously served during that time, if the city or fire district makes a formal written request for recognition to the local EMS agency prior to January 1, 2014, and if the following conditions are met:

(1) The city or fire district has not previously entered into a written prehospital EMS agreement with a county. A city or fire district that has previously entered into an agreement exclusively

1 for the purpose of agreeing to adhere to the local EMS agency's
2 medical control policies and procedures shall not constitute a
3 written prehospital EMS administration agreement under this
4 section.

5 (2) The city or fire district requesting recognition enters into a
6 written agreement, of an unlimited term, with the local EMS
7 agency, in a form specified by the local EMS agency, for the
8 purposes of this section, addressing only the following:

9 (A) Medical control, pursuant to Chapter 5 (commencing with
10 Section 1798) including policies, protocols, emergency medical
11 dispatch protocols, and quality improvement.

12 (B) Coordination of EMS resources.

13 (C) Recognition of the type of prehospital EMS that the city or
14 fire district is authorized to perform.

15 (D) Designation of the geographical service area for which
16 authorization is granted.

17 (E) Standards for operational control.

18 (F) Other terms mutually agreed upon by the contracting parties.

19 (b) If the city or fire district fails to enter into an agreement with
20 the local EMS agency, or failed to commence an appeal, by January
21 1, 2014, then the city or fire district shall not perform or contract
22 for that type of prehospital EMS unless formally authorized to do
23 so by the local EMS agency in accordance with the requirements
24 of this division. A city or fire district that has commenced an appeal
25 shall continue to provide or contract for those services it has
26 provided as of the date of the appeal, until the appeal is resolved.
27 Appeals shall proceed in the following order: (i) the local
28 emergency medical care committee or its equivalent, (ii) the
29 governing body of the local EMS agency, and (iii) judicial review.

30 (c) If a city or fire district that meets the specifications of this
31 section has increased or increases its geographical area beyond
32 the geographical service area that it served as of June 1, 1980,
33 through annexation or consolidation, the following shall apply for
34 the newly acquired area:

35 (1) If the annexation or consolidation occurred prior to January
36 1, 2012, the annexing city, fire district, or consolidated entity shall
37 qualify for recognition to provide or contract for the existing type
38 of prehospital EMS that the annexing city, fire district, or
39 consolidated entity has provided or contracted for continuously
40 since the annexation or consolidation occurred. Notwithstanding

1 any other law, an annexation or consolidation shall not displace
2 an EMS provider with a current contract with a local EMS agency
3 to provide a type of EMS within an exclusive operating area.

4 (2) If the annexation or consolidation occurs after January 1,
5 2012, the annexing city, fire district, or consolidated entity shall
6 assume the recognition to provide or contract for the preexisting
7 type of prehospital EMS that had been continuously provided, or
8 contracted for, since June 1, 1980, by the predecessor city or fire
9 district for that geographical service area if there was such a city
10 or fire district for that geographical service area. Notwithstanding
11 any other law, an annexation or consolidation shall not displace
12 an EMS provider with a current contract with a local EMS agency
13 to provide a type of EMS within an exclusive operating area.

14 (3) This section shall not be construed to authorize any other
15 public agency overseeing an annexation or consolidation to make
16 changes to the local EMS agency's EMS plan for the provision of
17 prehospital EMS.

18 (d) A city or fire district contracting to provide services may
19 enter into a written agreement for recognition to provide a type or
20 types of prehospital EMS with the local EMS agency pursuant to
21 subdivision (a), on behalf of the city or fire district that has
22 continuously provided or contracted for, as of June 1, 1980, a type
23 or types of prehospital EMS.

24 (e) A city or fire district that has not continuously provided or
25 contracted for a type of prehospital EMS since June 1, 1980, shall
26 not provide or contract for that type of prehospital EMS unless
27 formally authorized to do so by the local EMS agency in
28 accordance with the requirements of this division.

29 (f) A local EMS agency shall include all cities and fire districts
30 that comply with the requirements of this section in its local
31 emergency medical services plan.

32 (g) For purposes of this section, "type of prehospital EMS" shall
33 only include one or more of the following:

34 (1) First response, which means the delivery of prehospital EMS
35 without patient transport.

36 (2) Dispatch, which means dispatch of a provider's own or
37 contracted prehospital EMS resources.

38 (3) 911 ambulance transport service, which means ambulance
39 service provided in response to a 911 call or, as determined by the
40 local EMS agency, an emergency call to a seven digit number.

1 ~~(h) This section shall not preclude a city or fire district from~~
2 ~~increasing the level of service it provides or contracts for within~~
3 ~~a type of prehospital EMS for which it has continuously provided~~
4 ~~service since June 1, 1980. For the purpose of this section, "level"~~
5 ~~shall mean basic life support, limited advanced life support, or~~
6 ~~advanced life support. Without limiting the foregoing, a city or~~
7 ~~fire district that has continuously provided basic life support first~~
8 ~~response since June 1, 1980, may upgrade to advanced life support~~
9 ~~first response.~~

10 ~~(i) The level of prehospital EMS provided by a city or fire~~
11 ~~district may be reduced where the governing body of a city or fire~~
12 ~~district, pursuant to a public hearing, determines that the reduction~~
13 ~~is necessary. When a governing body of a city or fire district has~~
14 ~~determined that a service-level reduction is necessary, notice shall~~
15 ~~be provided to the local EMS agency a minimum of 90 days before~~
16 ~~the service reduction is implemented. The local EMS agency shall~~
17 ~~conduct a public hearing to report on the impact of the proposed~~
18 ~~service reduction on the local EMS system.~~

19 ~~(j) This section shall not be construed to permit a city or fire~~
20 ~~district to add a type of prehospital EMS that it has not provided~~
21 ~~or contracted for continuously since June 1, 1980.~~

22 ~~(k) A local EMS agency shall not create an exclusive operating~~
23 ~~area for a type of prehospital EMS provided or contracted for by~~
24 ~~a city or fire district meeting the requirements of this section within~~
25 ~~the geographical service area of the city or fire district unless the~~
26 ~~exclusive operating area is awarded to that city or fire district~~
27 ~~through a noncompetitive process in accordance with Section~~
28 ~~1797.224.~~

29 ~~(l) The continuing authorization of a city or fire district to~~
30 ~~provide a type or types of prehospital EMS recognized pursuant~~
31 ~~to this section shall transfer to any successor agency, including,~~
32 ~~but not limited to, a joint powers agency, but that recognition shall~~
33 ~~be limited to the geographical area of the predecessor agency that~~
34 ~~continuously provided or contracted for, as of June 1, 1980, that~~
35 ~~type or those types of prehospital EMS.~~

36 ~~SEC. 4. Section 1797.270 of the Health and Safety Code is~~
37 ~~amended to read:~~

38 ~~1797.270. An emergency medical care committee may be~~
39 ~~established in each county in this state. The committee membership~~
40 ~~shall be representative of the EMS system participants. Nothing~~

1 in this division should be construed to prevent two or more adjacent
2 counties from establishing a single committee for review of
3 emergency medical care in these counties.

4 SEC. 5. Section 1797.274 of the Health and Safety Code is
5 amended to read:

6 1797.274. The emergency medical care committee shall, at
7 least annually, review the county's emergency medical care system.

8 SEC. 6. Section 1797.276 of the Health and Safety Code is
9 amended to read:

10 1797.276. Every emergency medical care committee shall, at
11 least annually, report to the authority, and the local EMS agency
12 its observations and recommendations relative to its review of the
13 county's emergency medical care system. The emergency medical
14 care committee shall submit its observations and recommendations
15 to the county board or boards of supervisors which it serves and
16 shall act in an advisory capacity to the county board or boards of
17 supervisors that it serves, and to the local EMS agency, on all
18 matters relating to emergency medical services.

19 SEC. 7. This act, which repeals and adds Section 1797.201 of
20 the Health and Safety Code, shall not be construed to affect, limit,
21 or otherwise invalidate any decision by a court of competent
22 jurisdiction that interprets and applies Division 2.5 (commencing
23 with Section 1797) of the Health and Safety Code, as that division
24 read on December 31, 2011.

25 SEC. 8. If the Commission on State Mandates determines that
26 this act contains costs mandated by the state, reimbursement to
27 local agencies and school districts for those costs shall be made
28 pursuant to Part 7 (commencing with Section 17500) of Division
29 4 of Title 2 of the Government Code.